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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,685	12/09/2003	Marcille F. Ruman	KCX-705 (19342)	3265
22827	7590	11/16/2005	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			BOGART, MICHAEL G	
			ART UNIT	PAPER NUMBER
			3761	
DATE MAILED: 11/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/731,685	Applicant(s) RUMAN, MARCILLE F.	
	Examiner Michael G. Bogart	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-27 is/are allowed.
- 6) ☒ Claim(s) 1-9, 14 and 20 is/are rejected.
- 7) ☒ Claim(s) 10-13 and 15-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 14 and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tameishi *et al.* (US 6,497,692 B1).

Regarding claim 1, Tameishi *et al.* teach a packaged absorbent article (20) for placement in the crotch region of an undergarment, comprising:

a generally liquid permeable top cover (38);

a generally liquid impermeable baffle (40) having a garment facing side;

an absorbent structure (42) disposed between said top cover (38) and said baffle (40);

said garment facing side of said baffle (40) comprising a hook material component (74)

defined in a pattern thereon;

a hook compatible backing sheet (80, 82) releasably attached to said baffle (40), said backing sheet (80) comprising dimensions so as to extend beyond lateral sides (26) and longitudinal ends (28) of said absorbent article (20) when attached to said baffle (40);

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said article (20) and attached backing sheet (80, 82) folded into a configuration such that lateral sides of said backing sheet are brought together and said backing sheet (80, 82) defines a pouch for said article (20)(column 7, lines 1-12; column 8, lines 30-46)(figures 1, 2 and 12, below).

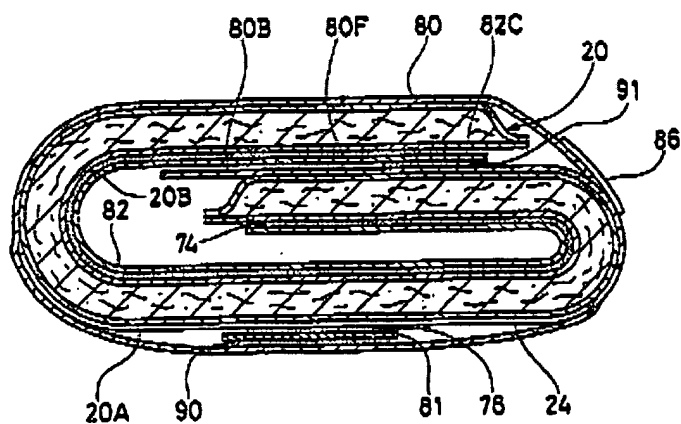
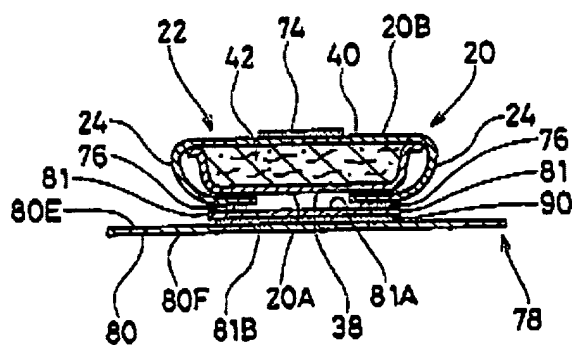
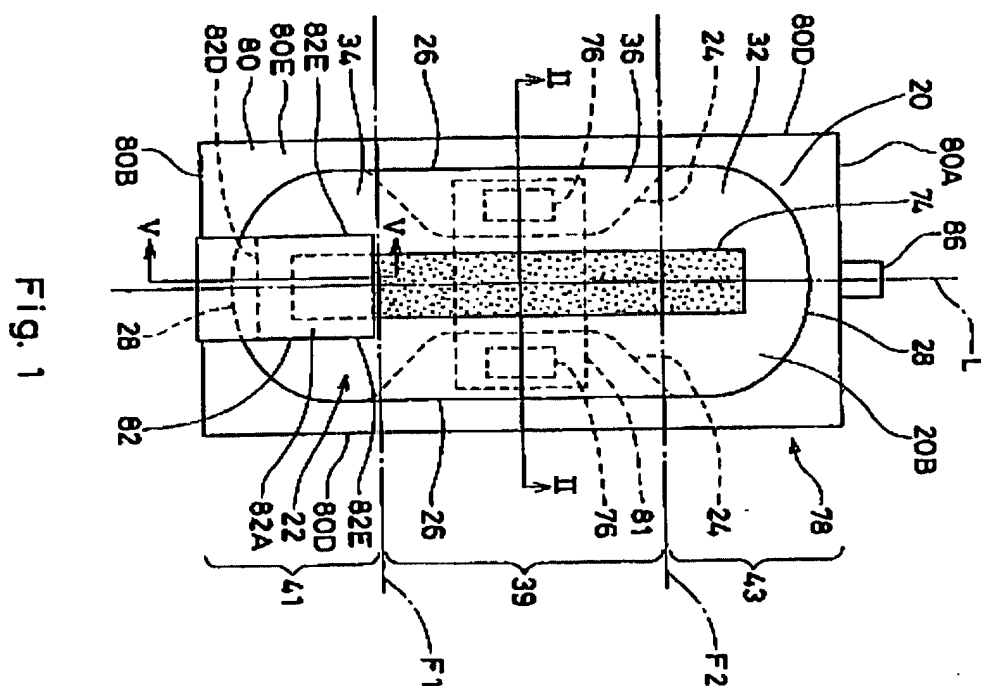
It is understood in the art that VELCRO® mechanical fasteners are of the hook and loop variety. Because Tameishi *et al.* teach that the non-stick face (82A)(which is at least part of backing sheet (80)) may be provided by non-woven material that can engage and release the VELCRO® component, then the VELCRO® component on baffle (40) must be a hook component.

Regarding claim 2, Tameishi *et al.* teach that the hook material (74) on said garment facing side of said baffle (40) provides a primary attachment mechanism between said article (20) and the undergarment (col. 7, lines 26-34).

Regarding claim 3, Tameishi *et al.* teach that said top cover (38) comprises a hook compatible material, said backing sheet preventing attachment of said hook material (74) to said top cover in said folded configuration of said article (20)(col. 5, lines 10-39; cross references to various cloth topsheets made from non-wovens etc.)(figures 2 and 12).

Regarding claim 4, Tameishi *et al.* teach that the article (20) and attached backing sheet (80, 82) are folded in a tri-fold configuration (figure 12).

Regarding claim 5, Tameishi *et al.* teach that one end of said tri-fold configuration defines an opening flap (80A) disposed against a front outwardly facing surface of said pouch (80).



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Regarding claim 6, Tameishi *et al.* teach that said opening flap is releasably attached to said outwardly facing side (86) of said pouch (80).

Regarding claim 7, Tameishi *et al.* teach that said lateral sides (80D) of said backing sheet (80) are attached together to define sealed sides of said pouch (80).

Regarding claim 8, Tameishi *et al.* teach that one longitudinal end (80A) of said backing sheet (80, 82) is folded over onto a front surface of said pouch (80) and defines an opening flap (80A, 86).

Regarding claim 9, Tameishi *et al.* teach that said backing sheet (80, 82) comprises a nonwoven material that is releasably attachable to said hook material (col. 8, lines 29-34).

Regarding claim 14, Tameishi *et al.* teach that said article (20) further comprises opposite laterally extending wings (24) configured to fold around the crotch portion of a wearer's undergarment, said wings (20) folded onto said top cover (38) in said folded configuration of said article (20) such that garment facing sides of said wings (24) are outwardly facing (figure 2).

Regarding claim 20, Tameishi *et al.* teach that said article (20) and backing sheet (80, 82) are tri-folded into said pouch (figure 12).

Allowable Subject Matter

Claims 10-13 and 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 21-27 are allowed.

Response to Arguments

Applicant's arguments filed 12 September 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the garment facing side of the absorbent article is not disposed against the *main* wrapper sheet, as opposed to some extension or subcomponent (82) of the wrapping sheet) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Specifically, the cover sheet (82) of Tameishi *et al.* is a part of wrapper sheet (80), and as shown in figure 8, it may be integral with said wrapper sheet (80). Figure 5, *supra* shows the garment when wrapped in the wrapper sheet (80), subportion or extension (82) of the wrapper sheet (80) wraps around an end of the garment and is attached to attachment substrate (74) on the garment facing side of the baffle (40).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bogart whose telephone number is (571) 272-4933.

In the event the examiner is not available, the Examiner's supervisor, Tatyana Zalukaeva may be reached at phone number (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for formal communications. For informal communications, the direct fax to the Examiner is (571) 273-4933.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Bogart
8 November 2005

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

